

REMARKS

Claims 1-4, 6, 7, 11-16 and 49-53 are pending. No claims are amended by the current paper.

Rejection of the Reissue Declaration

Even though the pending claims were found to be allowable by meeting all the requirements of 35 USC 101, 112, 102 and 103, the Office Action refused to allow the reissue application and required a supplemental reissue declaration pursuant to 37 CFR 1.175. The reissue application was rejected to for, allegedly, lacking a proper Reissue Declaration and Substitute Reissue Declaration to Correct Error Statement. Applicants traverse the rejections.

Applicants believe that the rejection has been rendered moot with the attached Substitute Reissue Declaration, Substitute Reissue Declaration to Correct Error Statement, and Consent of Assignee, wherein the Substitute Reissue Declaration describes at least one error in the claims of the above identified patent, No. 5,935,832, that would support the reissue. Applicants contend that the attached Substitute Reissue Declaration and Substitute Reissue Declaration to Correct Error Statement satisfy the requirements of 37 CFR 1.175. Applicants maintain that the attached Substitute Reissue Declaration describes at least one error sufficient to support a reissue application under 35 USC 251. Applicants request withdrawal of the rejection.

In addition, the Substitute Reissue Application Declaration also states that all the errors being corrected in the reissue application arose without any deceptive intention on the part of the applicants, meeting the requirement of 37 CFR 1.175(a)(2).

Applicants request that the reissue application be allowed with the Substitute Reissue Application Declaration filed herewith.

In the event that the filing of this paper is deemed not timely, applicants petition for an extension of time. The Office is authorized to charge the petition fee and any other fees that may be required in relation to the filing of this paper to Deposit Account No. 11-0600.

Respectfully submitted,

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/King L. Wong/
King L. Wong
Registration No. 37,500

KENYON & KENYON LLP
1500 K Street, N.W., Suite 700
Washington, DC 20005
Tel: (202) 220-4200
Fax: (202) 220-4201

Attachments: Substitute Reissue Declaration,
 Substitute Reissue Declaration to Correct Error Statement, and
 Consent of Assignee